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including the latest, are made accessible; and while the increase from less than fifteen hundred to more than five thousand pages contains matter which a better scheme of revision would have rejected, skilful bookmaking has combined agreeable type with economy of bulk.

One of the good features of the book is the hope it gives that Horwitz on Evidence will come next, as Wigmore followed Wigmore's Greenleaf, and Chamberlayne Chamberlayne's Best. When Mr. Horwitz applies his evident abilities to this task, freed from embarrassing limitations, he will do well to remember that compression is the greatest, as well as the most difficult, service he can render the profession. Anybody can write a long book on a subject he is full of; only a master can write a short one and make it first-rate. Remembering that we have already a treatise on Evidence which is great both in quality and dimensions, he should set before himself as an ideal that excellence which increases in direct ratio with brevity.

E. R. T.

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THE LIFE AND CORRESPONDENCE OF PHILIP YORKE, EARL OF HARDWICKE, LORD HIGH CHANCELLOR OF GREAT BRITAIN. By Philip C. Yorke. Vol. I, pp. xvi, 685; Vol. 2, pp. viii, 598; Vol. 3, pp. viii, 653. Cambridge University Press — University of Chicago Press, 1913.

At last we have an adequate life of the great chancellor. Excepting the political lampooners of his own age, who served up the subject in their own style, the first biographer of Hardwicke was Campbell, who did his worst; and Campbell's interpretation of the contemporary pamphleteers has been the basis of most subsequent sketches. Even the article on Hardwicke in the last edition of the *Encyclopedia Britannica* is based largely on Campbell's life, though in the article on Campbell in the same publication it is said that the execution of his *Lives* was wretched, that one of the chief faults was "the hasty insinuations against the memory of the great departed who were to him as giants," faults "painfully apparent in the *Lives* of Hardwicke" and others. In addition to Campbell's life, there was a mediocre performance by George Harris; and a short sketch by Foss in his *Biographia Juridica* which is fair and independent. It was only in 1900, when the Hardwicke papers were purchased by the British Museum, that an authoritative biography became possible.

This work is painstaking and accurate. It is not a great biography. It lacks literary graces; its treatment of Hardwicke's great service to his race, the development of equity, is entirely inadequate; and the plan of segregating the correspondence of a period after the narrative, instead of weaving it into the text, is better adapted to a source-book than to a work of literature. Yet if the book misses greatness it does so by a rather narrow margin. The work has distinct merit. The author shows industry, judgment, fairness, and enthusiasm; he succeeds in making his hero a real human being, a good man; he allows us to follow sympathetically the fortunes of a typical English man of law. It is fortunate that Hardwicke, in what must long remain his standard biography, has been so truly and so lovingly portrayed.

Classic taste, restrained feelings, moderate opinions, simple pleasures, personal politics, nothing unbridled but the bitterest defamation of political rivals; these were characteristics of the England of 1720 to 1760, the England of Philip Yorke, Earl of Hardwicke, Lord Chancellor of England for nearly twenty years. And Hardwicke was suited to his age, as he must have been to live so successful a life. He was handsome, polished, tactful, moderate. The son of a country attorney in modest circumstances, he made useful friends of his fellow-students, his dinner-companions, his mere acquaintances; they

started him in life, and a start was all he needed to attain success. Macclesfield's favor gained him his practice; and he showed his gratitude a few years later, by refusing, as Attorney General, to take part in Macclesfield's impeachment. Walpole secured his support, made him Chief Justice of England, and afterwards Chancellor. After Walpole's death, he remained a leading member in the cabinet under the Pelhams; he brought Pitt into the government, but upon the fall of Newcastle he resigned the seals, though he afterwards, for a few months, returned to the cabinet; upon the overthrow of his party on the accession of George III he retired to the country; and died, full of years and honors, in 1764. He had married well. He had five sons and two daughters. His eldest son and successor made a great marriage; his second son won great success at the bar, and was himself chancellor for a few hours before his tragic death; his third son was distinguished in the army and in diplomacy and earned his peerage; his fifth son became a bishop; both daughters made good marriages. A smooth life his, surely, and one of classical perfection. But as a child of his age he could not escape political slander; and it is one of the great merits of this book that it has once and for all disproved the entire brood of calumny.

Every lawyer who venerates the makers of the law, who believes that the personality of a judge determines the nature of his service to the development of law, who believes that the chancellor's conscience really moulds the doctrines of chancery, should read in these pages the life of the man who more than any other impressed upon equity the moral standards of a judge who was as good as he was great.

MANUAL OF EQUITY. By John Indermaur and Charles Thwaites. Seventh edition. London: Furnival Press. 1913. pp. xxxii, 620.

If there were any doubt to-day of the service which study of cases in the law schools has rendered to the science of law in America, it should be dispelled by examination of the books from which the English student is taught by the older method. For instance, in the present work in the year 1913 we are told: "In all cases in which specific performance is sought, the remedy, if it exists at all, must be a mutual one." (P. 318).

A little further on we are told: "But where a contract required by the Statute of Frauds to be in writing is signed by only one party, the person who has signed may be sued for specific performance, although it is evident that he could not himself sue, for as regards the other party the requirements of the Statute have not been complied with. This is apparently an exception to the ordinary rule requiring mutuality, but when closely examined, it is not really an exception. The Statute of Frauds only requires the agreement to be signed by the party to be charged; and when the other party sues, he must submit to perform his part of the contract, and so affirms his liability under it, and makes the remedy mutual." (Pp. 319-320).

That there are some seven other exceptions to Fry's doctrine of mutuality of remedy and that the doctrine itself is, to say the least, thoroughly moribund is nowhere suggested.

Again we are told: "The doctrine of the court with regard to equitable waste may also be referred to as a further example of a trust which may be said to be raised either by force of probable intention, or by reason of the determination of the court to enforce right and justice. True, the estate is given to the tenant for life without impeachment for waste, but as an estate is given in remainder it could not have been the intention of the settlor to allow the tenant for life to devastate the estate, and a trust is, therefore, raised in the